

**LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION  
MEETING SUMMARY**

**Thursday, February 18, 2016**

**Members Present:** Judge David Bowles, Chair; Dr. Charles Baker; Kathy Bingham; Chief Steve Conrad; Mark Bolton; Jim Cabral; Evan Roach (designee for Dan Fountain); Dan Goyette; Councilwoman Jessica Green (designee for President David Yates); Carla Kreitman; Ginny Lee (designee for David Nicholson); Susan Ely (designee for Mike O'Connell); Tom Wine; and Lisa Lee Williams.

**Guests Present:** Maria Gurren and Matthew Glowicki.

**Staff Present:** Kim Allen, Jamie Allen, and Faith Augustine.

**I. Welcome/Call to Order**

Judge David Bowles, Chair

Judge Bowles, Chair, called the meeting to order and welcomed those in attendance. Members were asked to introduce themselves.

**II. Approval of the October 15, 2015 Meeting Summary**

The October 15, 2015 meeting summary was unanimously approved as submitted.

**III. Chair Report**

Judge Bowles reported that Metro Council President David Yates has re-appointed Councilwoman Jessica Green to another term on the MCJC Board. He announced that Rashaad Abdur-Rahman is the new Director of the Metro Office of Safe and Healthy Neighborhoods and a member of the Commission Board. He was unable to attend today's meeting, but we look forward to welcoming him at the April meeting.

Judge Bowles announced that Stephanie Stidham retired from the CJC. Her last day was 12/30/15, but she is vacationing out through 2/29/16. She left the Commission following 24 years of service. Staff is currently going through the Metro Human Resources process to fill the vacant position.

Judge Bowles highlighted the MCJC Staffing Report in the meeting packet and noted that it has been provided to the Commission Board for several months as a way to provide updates and background information on the scope of staff activities. Judge Bowles called for feedback on the staffing report and members agreed that it is helpful.

#### **IV. Presentation: Response to the Louisville Juvenile and Family Court System Trauma Audit**

Anita P. Barbee, MSSW, Ph.D., Professor and Distinguished University Scholar, Kent School of Social Work, University of Louisville

Judge Bowles introduced Dr. Anita Barbee, University of Louisville, to present an update on the local response and efforts to address recommendations included in the Louisville Family and Juvenile Court Trauma Audit funded by the National Council of Juvenile and Family Court Judges (NCJFCJ). The goal of the Providing Alternatives: Reducing Intense Trauma Effects in Youth (PARITY) is to address the 14 recommendations from the Trauma Audit.

Dr. Barbee began by providing a brief overview of the three kinds of trauma: acute, chronic, and complex. She noted that there has been research emphasis on trauma following the events of 9/11. Trauma can be both a criminal justice and public health issue as it can cause mental health problems (including increased suicide risk), substance abuse, parent-child separation, academic problems, school discipline problems, learning disabilities, negative and deviant peers, frequent school transitions, running away from home, and delinquency. She highlighted school discipline and delinquency risk factors such as maltreatment victimization, learning disabilities, mental health disorders, and substance abuse and reported that detained youth are 25% - 80% more likely to experience these problems compared to the general youth population. Between 18 and 24% of substantiated maltreatment cases are attributed to parental substance abuse, and she noted that the START Program is beginning to address this in Jefferson County.

Dr. Barbee discussed the importance of screening and assessing trauma and maltreatment, and noted that there are numerous trauma screening tools available. The Traumatic Events Screening Inventory (TESI) is a structured clinical interview that assesses youth and parental reports of past or current traumatic events, including maltreatment. The Child Welfare Trauma Screening Tool (CWTST) assesses trauma and mental health needs of children and youth. The Trauma Symptom Checklist for Children (TSCC) is a self-report symptom inventory that identifies behavioral and mental health disorders that frequently result from maltreatment; the inventory includes measures that assess directly for chronic traumatic stress. Dr. Barbee also highlighted effective interventions for trauma/maltreatment including Cognitive Behavioral Intervention for Trauma in Schools, Skills Training in Affective and Interpersonal Regulation, and the Trauma Recovery and Empowerment Model.

According to Dr. Barbee, research indicates that impacting the school-to-prison pipeline will require reducing disciplinary actions and increasing preventative and non-exclusionary intervention strategies, including positive behavioral support programs, peer mediation programs, conflict resolution programs, and other restorative justice models. Within secure detention facilities a number of specific programs and interventions have been found to be effective such as aggression replacement training, cognitive behavioral therapy, and family integrated transitional services. She also noted that the Annie E. Casey Foundation is leading reform efforts to move away from the use of detention and focus on improving recidivism rates. Jefferson County is a participating site in the Foundation's JDAI initiative.

She reminded members that the Trauma Audit was conducted in fall 2014 by Dr. Shawn Marsh and the Final Report was released in June 2015. The audit made recommendations in a number of areas needing improvement including the environment, communication with families and youth, training of staff and policies at the Louisville Metro Youth Detention Center and the Family and Juvenile Courts. There is already a group in place that is addressing the recommendation to eliminate juvenile shackling. Through funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the University of Louisville, Kent School Center for Promotion of Resilience and Recovery of Traumatized Children and Youth, has convened a workgroup to ensure that the remaining 14 recommendations are addressed. The recommendations include the following areas:

### **Training and Assessment**

- Work with stakeholders to develop common understanding around what constitutes trauma and trauma-informed practice
- Increase support for employees regarding secondary traumatic stress
- Implement consistent trauma screening protocol

### **Consumer Voice**

- Enhance ways to solicit feedback on environment, practice, and policy from consumers

### **LMYDC**

- Maintain youth-oriented position titles in detention
- Eliminate staff uniforms in juvenile detention

### **Courts/Communication**

- Entrance signage renovation initiative
- Staff Information Desk during peak hours
- Leverage “captive audiences” by enhancing educational materials available to court consumers
- Consistently provide a brief explanation of the purpose of the current hearing

### **Courts/Space**

- Increase security monitoring in courthouse waiting areas
- Consider making courthouse more child and family-friendly
- Consider separate space for Domestic Violence perpetrators and victims
- Create a space for professionals to decompress away from public

The goal of PARITY is to address the recommendations, and Dr. Barbee reported that she will document progress, additional changes, or new information that has been revealed in a final report. She said the PARITY Steering Committee consists of key players from the Administrative Office of the Courts, Family and Juvenile Court Judges, County Attorney’s Office, Sheriff’s Office, Public Defender’s Office, Restorative Justice Louisville, Juvenile Justice Advisory Committee members, Youth Detention Services, Kentucky Department of Juvenile Justice, Louisville Metro Public Health and Wellness, Safe and Healthy Neighborhoods, Seven Counties Services, Inc., Kentucky Youth Advocates, Kent School of Social Work, Louisville Urban League, Department of Community Based Services, and Uspiritus.

## **V. Felony Prosecution Pilot Project Update**

Thomas B. Wine, Commonwealth's Attorney

Judge Bowles introduced Commonwealth's Attorney Tom Wine and asked him to provide an update on the Felony Prosecution Pilot Project. Mr. Wine reminded Board members that the Laura and John Arnold Foundation (LJAF) provided grant funding to the Office of the Commonwealth's Attorney for a two-year pilot project to assign two prosecutors, Mark Baker and Jessica Moore, to handle felony case prosecution in two of the ten District Courts. The pilot project began November 20, 2014. The goal of the pilot is to reduce case processing referral time to the Rocket Docket by 21 days, and on waiver cases by 69 days. Data collected for the first year, November 20, 2014 – November 20, 2015 demonstrates that more efficient case processing has been achieved for both Rocket Docket and Non-Rocket Docket cases.

He reported that in October 2013, the LJAF Research Team identified the median total time on docket for both Rocket Docket and Non-Rocket felony cases. In addition, the LJAF Research Team proposed targeted reductions for both areas. Specifically, for Rocket Docket cases, the LJAF Research Team found that the total median time on docket was 122 days, and recommended setting a goal to reduce the total by 21 days or 17.21%. Data indicates that in the first year of the pilot project, the median time on docket for Rocket Docket Cases was 68 days, documenting a 54-day or 44% reduction. This is 33 days less than the goal set by the LJAF Research Team.

The LJAF Research Team found that the total time on docket for Non-Rocket Docket cases was 376 days, and recommended setting a goal to reduce by 69 days or 18%. Data indicates that in the first year of the pilot project, the median time on docket for Non-Rocket Docket cases was 200 days, illustrating a 176-day or 47% reduction.

Mr. Wine noted that the ability to manage the felony case from the point of District Court Arraignment has proved critical in providing leverage to reduce the time on docket. He explained that when the Felony Prosecution Pilot Project went live on November 20, 2014, the Commonwealth Attorney's inherited all felony cases from Courtrooms 203 and 204. Data indicates that the average time on docket of all Felony Prosecution Pilot Project cases from District Court Arraignment to case closure in District Court for felony cases with an arraignment date prior to 11/20/14 was 187 days. The average time on docket from District Court Arraignment to case closure in District Court for felony cases after 11/20/14 was 40 days. This represents a 137-day or 73% reduction in average time on docket for the initial pilot year.

Mr. Wine also reported that the LJAF Research Team determined a median time of 42 days from case closure in District Court to indictment for Non-Rocket Docket cases, and recommended a goal of reducing the total to 21 days. Data from 11/20/14 to 11/20/15 indicates that the median has been reduced to 27 days, which represents a 14-day reduction or 33%.

In response to a question, Mr. Wine stated that Judge Sheila Collins and Judge Sean Delahanty are in Courtrooms 203 and 204 currently. He reported that a number of benefits have resulted from pilot implementation including assisting law enforcement in

providing discovery faster so the first pretrial conference is meaningful; the reduction in case processing time; and defendants are spending less time in Metro Corrections; since the pilot is based on the Rocket Docket model, and it was used for the Heroin Rocket Docket to refer people to treatment quicker.

Mr. Wine reported that with the passage of the Heroin Bill (SB 192), \$1.2 million was specifically allocated for the creation or expansion of rocket dockets across the state. Approximately 35 prosecutors across the state requested funding, and Tom reported that he worked with Mike O'Connell to request \$108,000 to hire two new prosecutors to expand the Jefferson County Rocket Docket. The docket goals include speeding up cases and channeling defendants into community substance abuse treatment. The prosecutors, current Assistant Commonwealth Attorneys Diane Arnold and John Balenovich, are working with low-level heroin possession and trafficking cases. The Heroin Rocket Docket went live on August 1<sup>st</sup>, and there have been approximately 500 participants admitted to treatment with an estimated cost savings of \$150,000 in the first quarter. In response to a question, Tom reported that Governor Bevin's proposed budget includes funding to continue the SB 192 programs. Tom noted that neither of the projects would be possible without the support and willingness of the Jefferson County Attorney's Office, and he expressed his appreciation to Mike O'Connell for the collaboration. In response to a question from Councilwoman Green related to the allocation of the Metro budget surplus, Mr. Wine noted that the number of people needing treatment exceeds the number of treatment beds available. Kim Allen added that preservation of Medicaid expansion is a very important advocacy item for the Dual Diagnosis Cross-Functional Team.

## **VI. Committee Reports/Updates**

### **a. Legislative Committee Report**

Faith Augustine reported that Scott Furkin, Legislative Committee Chair, was unable to attend today's meeting. She called attention to the CJC Legislative Tracking Chart in the meeting packet. In the current session, a total of 419 House Bills and 200 Senate Bills have been filed to date, and the CJC is tracking 79 House bills and 33 Senate Bills. She reminded members that the last days for bill requests are March 1<sup>st</sup> (House) and March 3<sup>rd</sup> (Senate). The last day of the long session is April 12<sup>th</sup>. Faith reported that House Bill 403, authorizing the use of day reporting programs, was filed by Representative Jeff Donohue on February 22<sup>nd</sup>. A copy of the bill is in the meeting packet. Faith added that a copy of the Dual Diagnosis Cross-Functional Team's Legislative Advocacy items is included in the packet.

### **b. Federal Criminal Justice Reform – Kim Allen**

As national themes of criminal justice reform emerge, Kim Allen highlighted two pieces of federal legislation that are likely to pass—The Sentencing Reform and Corrections Act of 2015 and the Fair Chance to Compete for Jobs Act. The Obama Administration is focusing the remainder of the administration on efforts likely to generate bipartisan support for criminal justice reform. She called attention to the Summary of Pending Federal Criminal Justice Reform Legislation in the packet noting the key provisions of each bill. The Sentencing Reform and Corrections Act of 2015 (S. 2123/H.R. 3713)

reduces the lengths of mandatory minimum sentences; broadens the “safety valve” to give judges more discretion in sentencing low-level offenders; requires Bureau of Prisons to institute recidivism reduction programs; and incorporates compassionate release. The Fair Chance to Compete for Jobs Act (S. 2012/H.R.3470) removes barriers to employment in the federal government for people with criminal records, and prohibits the federal government and federal contractors from asking about an applicant’s criminal history until the final conditional offer stage.

**c. “Justice for All” Metro TV Series – Kim Allen**

Kim Allen provided an update on the MCJC “Justice for All” public education initiative. Efforts in public education have been a long standing priority of the MCJC Board and the series attempts to provide an overview of the local criminal justice system and how parts of the system operate. The “Justice for All” Series reaches a broader community audience and is used as a proactive opportunity to explain criminal justice system policies and practices. Kim reported that three informational videos are complete and available on Metro TV and the MCJC website: Law Enforcement, The Courts, and Women in Justice and Public Safety. The fourth segment on the Grand Jury Process is in the final stages of editing and will be available in early March. She reported she is working with Chief Conrad in his role as Co-Chair of DVPCC on the fifth segment, which will focus on domestic violence education and awareness. This segment will educate the community on the prevalence of domestic violence, lethality factors and the risk of dangerousness, and the new IPO/EPO process.

**d. LJAF Demonstration Site – Faith Augustine**

Faith Augustine reminded members that the MOU with the LJAF expires May 2016, although some projects will continue beyond that date such as the Felony Prosecution Pilot Project and the Criminal Justice Data Warehouse. She also reported that Anne Milgram, Vice-President of Criminal Justice, recently announced that she is leaving the Arnold Foundation to pursue other opportunities.

Faith provided updates on a few of the ongoing LJAF projects. She reminded members that the Court Date Reminder study involving phone and text notifications began in September 2014. In order to accumulate a sufficient sample of cases to complete the analysis, the data collection was set to resume in December 2015 for an additional eight weeks. Assuming enough data is collected, the report should be completed by June 2016. Researchers will compare the failure-to-appear rates for defendants who received reminders versus those who did not and measure the effectiveness of the reminders in reducing missed court dates. Upon completion of the study, findings will be made available to local criminal justice system stakeholders.

Kim reported that Dr. Marie VanNostrand recently relayed that the domestic violence risk assessment scale has been created, and researchers are waiting for the MOU with AOC to be completed in order to test a historical dataset. The barcode e-citation project remains in the testing phase. Staff are working closely with Metro Corrections and Metro Technology to make modifications to the Xjail system as it relates to correctly classifying the charge codes. Once that process is complete, the barcode should be available for use.

Faith also reported that the LJAF recently announced they will be addressing the use of fines and fees in the criminal justice system and will fund seven projects as part of a broader strategy to coordinate, develop, and strengthen nationwide litigation efforts in this area and to deepen the field's understanding of court-imposed monetary penalties.

**e. Juvenile Justice Advisory Committee – Maria Gurren**

Maria Gurren reported that the Juvenile Justice Advisory Committee (JJAC) was recently created to serve as an umbrella group for local efforts in juvenile justice reform and will incorporate the JDAI and DMC initiatives. It is the goal of the group to operate at the policy level and create a neutral forum for juvenile justice reform. A Detention Utilization Study (DUS) will be presented at the next JJAC meeting on March 3<sup>rd</sup>. The JJAC Executive Committee approved a work plan and subcommittee descriptions at the February meeting. Subcommittees will be established around the issue areas identified in the DUS.

**VII. Adjourn/Next Meeting:**

With no further business to address, the meeting was adjourned. The next meeting of the Commission Board will be held on April 21, 2016 at 2:00 p.m. in the 6th Floor, Crown Room, Judicial Center.